

**WASTE DISCHARGE PROHIBITION INFORMATION FOR
ACTIVITIES IN
FLOODPLAINS OF THE LITTLE TRUCKEE OR TRUCKEE RIVER HYDROLOGIC UNITS,
OR
STREAM ENVIRONMENT ZONES AND FLOODPLAINS OF THE LAKE TAHOE
HYDROLOGIC UNIT**

**Conditional Waiver of Waste Discharge Requirements
for Timber Harvest and Vegetation Management Activities**

To protect beneficial uses and achieve water quality objectives, the Basin Plan contains prohibitions against waste discharges to lands within 100-year floodplains in the Little Truckee, Truckee River and Lake Tahoe Hydrologic Units (HUs), and prohibitions against "permanent disturbance" in Stream Environment Zones (SEZs) in the Lake Tahoe HU. These prohibitions may apply to certain timber harvest and vegetation management activities conducted in these areas.

The information in this attachment:

1. Summarizes discharge prohibitions and available exemptions.
2. Outlines the types of activities that may require an exemption, and describes the general procedure for obtaining an exemption.
3. Specifies the types of activities and conditions that may proceed in 100-year floodplains and SEZs without triggering the need to obtain an exemption.

1. Waste Discharge Prohibitions and Exemptions

Little Truckee and Truckee River HU

100-year Floodplains

Chapter 4 (pages 4.1-4 and 4.1-7) of the Basin Plan specifies the following **discharge prohibitions**:

Page 4.1-4 4(c). "The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Little Truckee River or any tributary to the Little Truckee River is prohibited."

Page 4.1-7 4(c). "The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited."

Chapter 4 (pages 4.1-4 and 4.1-5) provides that **exemptions** may be granted for the following categories of projects that are applicable to timber harvest and vegetation management activities conducted under the Timber Waiver:

- 1) Projects solely intended to reduce or mitigate existing sources of erosion or water pollution or to restore the functional value to previously disturbed floodplain areas.
- 2) Bridge abutments, approaches, or other essential transportation facilities identified in an approved county general plan.
- 3) Projects necessary to protect public health or safety or to provide essential public services.

Lake Tahoe HU

100-year Floodplains

Chapter 5 (page 5.2-3) of the Basin Plan specifies the following **discharge prohibitions** for activities within 100-year floodplains:

8. and 9. "The discharge, or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand and other organic and earthen materials to lands below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited."

Chapter 5 (page 5.7-6) provides that **exemptions** may be granted for the following categories of projects that are applicable to timber harvest and vegetation management activities in 100-year floodplains conducted under the Timber Waiver:

- 4) Public service facilities if: (a) the project is necessary for public health, safety or environmental protection, (b) there is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment in the floodplain, and (c) impacts on the floodplain are minimized.
- 5) Erosion control projects, habitat restoration projects, SEZ restoration projects and similar projects provided that the project is necessary for environmental protection and there is no reasonable alternative which avoids or reduces the extent of encroachment in the floodplain.

Stream Environment Zones

Chapter 5 (page 5.2-3) of the Basin Plan specifies the following **discharge prohibitions** for activities within SEZs:

13. "The discharge or threatened discharge, attributable to new development in Stream Environment Zones, of solid or liquid waste, including soil, silt, sand, clay, rock, metal, plastic, or other organic, mineral or earthen materials, to Stream Environment Zones in the Lake Tahoe basin is prohibited."

"New development" as used in the Prohibition 13 means ". . . construction activity resulting in permanent soil disturbance . . . New development does not include maintenance or repair of an existing structure or the replacement of any existing structure with another structure on the same parcel of no greater land coverage." (Basin Plan page 5.2-4). This means that if an activity occurs in an SEZ that does not result in permanent disturbance, the prohibition is not violated.

Chapter 5 (page 5.8-7) provides that **exemptions** may be granted for the following categories of projects that are applicable to timber harvest and vegetation management activities in SEZs conducted under the Timber Waiver:

1. For public service facilities if:
 - a. The project is necessary for public health, safety or the environment;
 - b. There is no reasonable alternative, including spans, which avoids or reduces the extent of encroachment;
 - c. The impacts are fully mitigated; and
 - d. SEZ lands are restored in an amount 1.5 times the area of land developed or disturbed by the project
2. For erosion control projects, habitat restoration projects, wetland restoration projects, SEZ restoration projects, and similar projects, programs and facilities, if:
 - a. The project, program, or facility is necessary for environmental protection;
 - b. There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the SEZ; and
 - c. Impacts are fully mitigated

According to the Basin Plan, impacts to SEZs due to erosion control projects, habitat restoration projects, wetland restoration projects, or SEZ restoration projects do not need to meet the 1.5:1 restoration requirement.

2. Types of Activities Which May Be Eligible for a Discharge Prohibition Exemption

In order to obtain an exemption for a waste discharge prohibition for timber harvest and vegetation management activities, applicants must provide Water Board staff with the information needed to justify the exemption, and allow for a 10-day public review and comment period. The Water Board's Executive Officer is authorized to grant these exemptions; therefore, no Water Board public hearing is typically required.

The nature of certain timber harvest and vegetation management projects makes them eligible for exemptions to the above-described prohibitions. Such eligible projects may include:

- Timber harvest and vegetation management projects to reduce fuel loading that are identified in a community wildfire protection plan
- Improvement of a stream crossing on an existing road to benefit water quality
- Timber harvest and vegetation management projects for aspen regeneration or improvement of riparian conditions
- Construction of an approach or bridge abutment within a 100-year floodplain to conduct timber harvest or vegetation management activities. (Such approaches or bridge abutments do not have to be identified in a county general plan)
- Timber harvest and vegetation management activities to protect forest values, such as wildlife habitat

Examples of activities conducted within 100-year floodplains or in SEZs that would require an exemption include:

- Enlargement of existing permanent watercourse crossings and/or roads
- Construction of temporary roads
- Construction of temporary watercourse crossings and associated approaches in place longer than one season
- Construction of skid trails
- Pile burning
- Conventional equipment operated off-road in SEZs or floodplains

3. Activities Not Requiring a Discharge Prohibition Exemption

Timber harvest and vegetation management activities listed below in Table N1, when conducted in compliance with the Timber Waiver and the conditions specified in Table N1, do not result in discharges in conflict with the above waste discharge prohibitions. Therefore, they **do not require a prohibition exemption** and may proceed as part of a project permitted under this Timber Waiver without any additional notification or authorization.

Table N1: Timber Harvest and Vegetation Management Activities within SEZs and 100-year Floodplains in the Truckee and Lake Tahoe Hydrologic Units (HUs) Which Do Not Violate Waste Discharge Prohibitions.

Activity	100-year Floodplains (Lake Tahoe and Truckee HUs)	Stream Environment Zones (Lake Tahoe HU)
Hand crew operations (except for pile burning)	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of Waiver Category 2.	
Over-snow equipment operation (no placement of slash within SEZs or 100 year floodplains)	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of Waiver Category 1, 4, 5 or 6.	
Operations on existing roads	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of applicable Waiver Category.	
Broadcast Burning	Prohibited discharges to 100-year floodplains or permanent disturbance in SEZs do not occur if activities meet the eligibility criteria and comply with the conditions of applicable Waiver Category.	
Operation of cut-to-length equipment with less than 13 psi ground pressure on granitic soils off existing roads in SEZs and 100-year floodplains	Prohibited discharges to 100-year floodplains do not occur if activities meet all the following conditions: <ul style="list-style-type: none"> a. Equilibrated groundwater levels are at least two feet below the soil surface. b. Soils are dry (as defined in Attachment A) to a minimum depth of 12 inches. c. Slash mats are employed or sufficient ground cover exists to prevent discharge of earthen materials to surface waters. d. Eligibility criteria and conditions of applicable Waiver Category are met. 	Permanent disturbance in SEZs does not occur if activities meet all the following conditions: <ul style="list-style-type: none"> a. Equilibrated groundwater levels are at least 2 feet below the soil surface. b. Soils are dry (as defined in Attachment A) to a minimum depth of 12 inches. c. Slash mats are employed or sufficient ground cover exists to prevent discharge of earthen materials to surface waters. d. Eligibility criteria and conditions of applicable Waiver Category are met.
Construction and removal of temporary watercourse crossings	Prohibited discharges to 100-year floodplains do not occur if activities meet all the following conditions: <ul style="list-style-type: none"> a. Temporary stream crossings are constructed with clean cobbles or logs. If sand or soil is used as running surface, BMPs must be in place (e.g. filter cloth, brow logs) to prevent discharge of earthen materials to surface waters. b. Stream crossings are completely removed at the end of operations, or prior to the winter period (as defined in Attachment A), whichever is sooner. c. Eligibility criteria and conditions of applicable Waiver Category are met. 	Permanent disturbance in SEZs does not occur if activities meet Basin Plan Section 5.13 criteria: "Crossing of perennial streams or other wet areas shall be limited to improved crossings in accordance with the [TRPA] BMP handbook or to temporary bridge spans that can be removed upon project completion or the end of the work season, whichever is sooner, and damage to SEZ associated with a temporary crossing shall be restored within one year of removal."

Activity	100-year Floodplains (Lake Tahoe and Truckee HUs)	Stream Environment Zones (Lake Tahoe HU)
Placement of chips or masticated material	Prohibited discharges to 100-year floodplains do not occur if activities meet a. or b., and c. below: a. Chips or masticated material is incorporated into the soil, or b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and c. Eligibility criteria and conditions of applicable Waiver Category are met.	Placement of chips or masticated material does not result in "permanent soil disturbance" in SEZs if: a. Chips or masticated material is incorporated into the soil, or b. Chips or masticated material do not exceed an average of two inches in depth, with a maximum of four inches, and c. Eligibility criteria and conditions of applicable Waiver Category are met.
Repair or replacement of permanent crossings for existing roads, when new crossing is same size as existing.	Prohibited discharges to 100-year floodplains do not occur if activities do not involve the loss of additional floodplain area or volume (Basin Plan Sections 4.1 and 5.2)	New permanent SEZ disturbance is not attributable to maintenance, repair or replacement of an existing structure that does not result in greater land coverage (Basin Plan 5.2).

Notes:

1. For equipment use on steep slopes in the Lake Tahoe HU, refer to the Basin Plan or the TRPA code of ordinances for prohibitions and exemption criteria.
2. Water Board will consider new information to update this list. The Water Board, after a public hearing, may amend the Timber Waiver to modify the above list.